

**MEMO ENDORSED**  
(see page 2)

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

PAVARINI MCGOVERN, LLC,

Plaintiff,

- against-

WATERSCAPE RESORT LLC,

SALIM ASSA A/K/A SOLLY ASSA, and

EZAK ASSA,

Defendants.

Dock. # 23-cv-04432-JHR

PLEASE TAKE NOTICE that upon defendants Waterscape Resort LLC, Salim Assa, and Ezak Assa's accompanying Memorandum of Law, and upon all papers and proceedings heretofore had herein, the above noted defendants, by their attorneys, Silverberg P.C., will move this Court, before the Hon. Jennifer H. Rearden, United States District Judge, at the United States District Court for the Southern District of New York, located at 500 Pearl Street, Courtroom 12B, New York, New York, for an order pursuant to Fed. R. Civ. P. 15(a)(2) for leave to amend defendants' answer to add an additional affirmative defense, and granting such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, should be filed in accordance with Local Rule 6.1 or as otherwise directed by the Court.

Dated: Central Islip, New York  
December 19, 2023

Respectfully submitted,

/s/ Karl Silverberg

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Defendants' motion fails to comply with the Southern District's requirements, and with this Court's Individual Rules and Practices, governing motions to amend pleadings. *See S.M. v. Oxford Health Plans (N.Y.), Inc.*, 94 F. Supp. 3d 481, 515 (S.D.N.Y. 2015) ("It is well-settled that when seeking leave to amend, the movant must submit 'a complete copy of the proposed amended [pleading] so that both the Court and the opposing party can understand the exact changes sought.'" (citation and alterations omitted)); *see also* Ct.'s Individ. Rs. & Pracs. 1.D ("Any motion to amend a pleading shall [] be filed with a . . . proposed amended pleading," including "a redline showing all differences between the operative pleading and the proposed amended pleading."). Accordingly, Defendants' motion is DENIED. *See e.g., Abadi v. NYU Langone Health Sys.*, 21 Civ. 11073 (RA) (GWG) (S.D.N.Y. May 16, 2023) ("The motion to amend is denied because, among other reasons, it fails to attach a copy of the proposed amended [pleading].").

Should Defendants wish to correct the foregoing deficiencies, the Court will permit them to file a renewed motion to amend. Any such motion shall be filed no later than **Thursday, December 21, 2023**. Any response shall be filed by Plaintiff no later than **Friday, December 22, 2023**.

Having denied Defendants' motion to amend, the Court hereby DENIES as moot their motion to expedite the briefing of that motion.

SO ORDERED.



Jennifer H. Rearden, U.S.D.J.  
Date: December 20, 2023